

Walthart has had no involvement with this case in general, or with Superior's defense, in particular. Since he left DHPM in August 2013, Mr. Walthart has not communicated with any of Superior's principals or agents (other than the July 28, 2014 conversation and email set forth below).

2. After receiving this Court's Memorandum & Order, Mr. Walthart called attorney Greg Oakley to get Mr. Garrett's contact information. On July 28, 2014, Mr. Walthart spoke with Daniel Garrett, Superior's principal, where they discussed this situation and the Court's Memorandum & Order. Mr. Walthart explained that he would be filing a "Clarification" stating that he did not represent Superior. Mr. Garrett affirmed that he understood. Mr. Walthart also told Mr. Garrett that he would file a motion to withdraw. Mr. Walthart confirmed this in writing to Mr. Garrett by way of email on the same day.

3. Mr. Walthart did not file a motion to withdraw because under Local Rule 83.01, Mr. Walthart was required to give the client notice and "[s]uch notice to the client [must] be given at least fourteen (14) days prior to the Motion to Withdraw being filed, unless the Court directs otherwise." LR83.01(g). Upon further reading of the Court's Memorandum & Order, and communicating with the Court's courtroom deputy, it appears that the Court has directed otherwise.

4. For these reasons, Mr. Walthart requests that his name be stricken as attorney of record from this case and that he be allowed to withdraw. Mr. Walthart would also ask this Court to waive the 14-day notice requirement in LR83.01(g). See LR1.02 (by "order entered in any case, the Court may deviate from an provision of any Local Rule of this Court, when appropriate for the needs of the case and the administration of justice").

WHEREFORE, Brian F. Walthart requests that his name be stricken as counsel of record in this case and he be allowed to withdraw.

Respectfully submitted:

/s/ **Brian F. Walthart**

Brian F. Walthart

BPRN 024777

414 Union St. Suite 1900

Nashville, TN 37219

615-255-7722

615-780-2210

brian.walthart@leitnerfirm.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on the following using the Court's CM/ECF filing system this 4th day of August, 2014.

R. Eddie Wayland, Esq.
R. Douglas Hanson, Esq.
Andrew W. Coffman, Esq.
King & Ballow
315 Union Street
1100 Union Street Plaza
Nashville, TN 37201
Email: rew@kingballow.com
Email: dhanson@kingballow.com
Email: acoffman@kingballow.com
Attorneys for Plaintiff

Lyndsay Smith Hyde, Esq.
Andrea Taylor McKellar, Esq.
411 Broadway, Suite 302
Nashville, TN 37203
lhyde@mckellarhyde.com
amckellar@mckellarhyde.com
Attorneys for Michael Dean Spigner and Ray Spigner

and via U.S. Mail, Postage Prepaid, to:

Charles Simerka
5318 Southfork Blvd.
Old Hickory, TN 37138
Pro Se Defendant

Christal Franklin *via email also: superiorvacations@yahoo.com*
Daniel Garrett
2828 Parkway
Suite 30
Pigeon Forge, TN 37863
Pro Se Defendants

Judith McGinty
3839 Deep Draw Road
Crossville, TN 38555
Pro Se Defendant

/s/ **Brian F. Walthart**
Brian F. Walthart